

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

HEDGEYE RISK MANAGEMENT, LLC,

Plaintiff,

v.

DARIUS DALE, STEVEN LAMAR, and

42 MACRO, LLC

Defendants.

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: No. 1:21-cv-03687-ALC-RWL

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: **ORAL ARGUMENT REQUESTED**

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NOTICE OF PLAINTIFF HEDGEYE RISK MANAGEMENT, LLC'S

MOTION FOR CONTEMPT, SANCTIONS AND INJUNCTION

PLEASE TAKE NOTICE that as soon as the matter may be heard in the United States District Court, Southern District of New York, located at 40 Foley Square, New York, NY 10007, before the Honorable Andrew L. Carter in Courtroom 1306, Plaintiff Hedgeye Risk Management, LLC will, and hereby does move for contempt, sanctions, and a preliminary injunction against Defendant Darius Dale.

Plaintiff's Motion is based upon the accompanying Memorandum of Law in Support of Plaintiff's Motion for Contempt, Sanctions and Preliminary Injunction; the Declaration of Michael A. Blum (Dkt. 7), First Declaration of Daryl Jones (Dkt. 8), Second Declaration of Daryl Jones (Dkt. 24), Third Declaration of Daryl Jones (Dkt. 63), Declaration of Alisha Zhang (Dkt. 9), Declaration of Thomas E. Wallerstein (Dkt. 65), and the concurrently filed Declaration

of Thomas E. Wallerstein (and exhibits thereto); the records and files in this action; and on such other written and oral argument as may be presented to the Court.

Respectfully submitted,

Dated: September 21, 2021

/s/ Thomas E. Wallerstein

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